

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

(1) Noel Gutierrez Manzanares,
(2) Robert Garcia,
(3) Karl James Pentz,
(4) Randy Lee Motzko,

Defendants.

ORDER

Criminal File No. 10-275
(MJD/FLN)

Christian S. Wilton, Assistant United States Attorney, Counsel for Plaintiff.

Thomas H. Shiah, Thomas H. Shiah, LTD, Counsel for Defendant Manzanares.

Barry V. Voss, Barry V. Voss, PA, Counsel for Defendant Garcia.

Shannon R. Elkins, Elkins Law Office, Counsel for Defendant Pentz

Andrea George, Office of the Federal Defender, Counsel for Defendant Motzko.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated January 5, 2011. [Docket Nos. 113, 114, 115, 116] Defendants Manzanares and Pentz both filed objections to the Report and Recommendation. Defendant

Manzanares objects to the Magistrate Judge's recommendation that Manzanares' Motion to Suppress Evidence of Electronic Surveillance and Wiretapping be denied. [Docket No. 119] Defendant Pentz objects to the Magistrate Judge's recommendation that Pentz's Motion to Suppress Governmental Interception of Wire or Oral Communications, Motion to Suppress Search and Seizure, and Motion to Suppress Statements Made by Defendant all be denied. [Docket No. 120]

Pursuant to statute, the Court has conducted a de novo review of the record, including all transcripts filed and exhibits submitted to the Court. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation as to Defendant Noel Gutierrez Manzanares dated January 5, 2011 [Docket No. 113].
2. Defendant Manzanares' Motion to Suppress Evidence of Electronic Surveillance and Wiretapping [Docket No. 51] is **DENIED**.

IT IS FURTHER ORDERED that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation as to Defendant Robert Garcia dated January 5, 2011 [Docket No. 114].
2. Defendant Garcia's Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 72] is **DENIED**.
3. Defendant Garcia's Motion to Suppress the Contents of Any Intercepted Wire or Oral Communications and Derivative Evidence [Docket No. 100] is **DENIED**.

IT IS FURTHER ORDERED that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation as to Defendant Karl James Pentz dated January 5, 2011 [Docket No. 115].
2. Defendant Pentz's Motion to Suppress Governmental Interception of Wire or Oral Communications [Docket No. 84] is **DENIED**.
3. Defendant Pentz's Motion to Suppress Search and Seizure [Docket No. 92] is **DENIED**.
4. Defendant Pentz's Motion to Suppress Statements made by Defendant [Docket No. 94] is **DENIED**.

IT IS FURTHER ORDERED that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation as to Defendant Randy Lee Motzko dated January 5, 2011 [Docket No. 116].
2. Defendant Motzko's Pretrial Motion to Suppress Evidence Obtained as a Result of Search and Seizure [Docket No. 97] is **DENIED**.

3. Defendant Motzko's Pretrial Motion to Suppress Statements, Admissions, and Answers [Docket No. 98] is **DENIED**.

Dated: February 3, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court